



General Assembly

Substitute Bill No. 287

February Session, 2006

* SB00287ENV__032006__ *

**AN ACT CONCERNING REVISIONS TO THE DRY CLEANING
REMEDATION ACCOUNT PROVISIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-263m of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2006*):

4 (a) As used in this section: (1) "Eligible dry cleaning establishment"
5 means any place of business engaged in the cleaning of clothing or
6 other fabrics using tetrachlorethylene, Stoddard solvent or other
7 chemicals or any place of business that accepts clothing or other fabrics
8 to be cleaned by another establishment using such chemicals, (2) "gross
9 receipts at retail" means the total amount accruing from dry cleaning
10 services at retail, valued in money, without any deduction for the cost
11 of the materials used, labor or service cost or any other expense, and
12 (3) "eligible applicant" means (A) a business owner or operator of an
13 eligible dry cleaning establishment, or (B) an owner of property that is
14 occupied by an eligible dry cleaning establishment.

15 [(a)] (b) There shall be paid to the Commissioner of Revenue
16 Services by each dry cleaning establishment, as defined in this
17 subsection, a surcharge of one per cent of its gross receipts at retail for
18 any dry cleaning service performed on or after January 1, 1995. Each
19 such establishment shall register with the Commissioner of Revenue

20 Services on forms prescribed by him. Each such establishment shall
21 submit a return quarterly to the Commissioner of Revenue Services,
22 applicable with respect to the calendar quarter beginning January 1,
23 1995, and each calendar quarter thereafter, on or before the last day of
24 the month immediately following the end of each such calendar
25 quarter, on a form prescribed by the commissioner, together with
26 payment of the quarterly surcharge determined and payable in
27 accordance with the provisions of this section. Whenever such
28 surcharge is not paid when due, a penalty of ten per cent of the
29 amount due or fifty dollars, whichever is greater, shall be imposed,
30 and such surcharge shall bear interest at the rate of one per cent per
31 month or fraction thereof until the same is paid. The Commissioner of
32 Revenue Services shall cause copies of a form prescribed for
33 submitting returns as required under this section to be distributed to
34 persons subject to the surcharge. Failure to receive such form shall not
35 be construed to relieve anyone subject to the surcharge under this
36 section from the obligations of submitting a return, together with
37 payment of such surcharge within the time required. The provisions of
38 sections 12-548 to 12-554, inclusive, and sections 12-555a and 12-555b
39 shall apply to the provisions of this section in the same manner and
40 with the same force and effect as if the language of said sections 12-548
41 to 12-554, inclusive, and sections 12-555a and 12-555b had been
42 incorporated in full into this section and had expressly referred to the
43 surcharge imposed under this section, except to the extent that any
44 such provision is inconsistent with a provision of this section and
45 except that the term "tax" shall be read as "dry cleaning establishment
46 surcharge". Any moneys received by the state pursuant to this section
47 shall be deposited into the account established pursuant to subsection
48 [(b)] (c) of this section. [For the purposes of this section, "dry cleaning
49 establishment" means any place of business engaged in the cleaning of
50 clothing or other fabrics using tetrachlorethylene, Stoddard solvent or
51 other chemicals or any place of business which accepts clothing or
52 other fabrics to be cleaned by another establishment using such
53 chemicals and "gross receipts at retail" means the total amount
54 accruing from dry cleaning services at retail, valued in money, without

55 any deduction for the cost of the materials used, labor or service cost or
56 any other expense.]

57 [(b)] (c) There is established an account within the General Fund to
58 be known as the "dry cleaning establishment remediation account".
59 Said account shall contain any moneys required by law to be deposited
60 in the account. Any balance remaining in the account at the end of any
61 fiscal year shall be carried forward in the account for the fiscal year
62 next succeeding. The account shall be used by the Department of
63 Economic and Community Development for grants made to owners or
64 operators of eligible dry cleaning establishments or owners of property
65 on which an eligible dry cleaning establishment has been in operation
66 for at least a year prior to the approval of the application and there
67 exists [a] an eligible dry cleaning establishment at the time of release of
68 funds, pursuant to subsections [(c)] (d) and [(d)] (e) of this section.

69 [(c)] (d) The state, acting through the Commissioner of Economic
70 and Community Development, shall use the dry cleaning
71 establishment remediation account to provide grants to applicants for
72 the purposes of the containment and removal or mitigation of
73 environmental pollution resulting from the discharge, spillage,
74 uncontrolled loss, seepage or filtration of chemical liquids or solid,
75 liquid or gaseous products or hazardous wastes on or at the site of [a]
76 an eligible dry cleaning establishment or for measures undertaken to
77 prevent such pollution which are approved by the Commissioner of
78 Environmental Protection. In order to qualify for a grant under the
79 provisions of this section an eligible applicant must demonstrate to the
80 satisfaction of the Commissioner of Economic and Community
81 Development that (1) the [subject] eligible dry cleaning establishment
82 is using or has previously used, tetrachlorethylene or Stoddard solvent
83 or other chemicals for the purpose of cleaning clothes or other fabrics,
84 (2) the [applicant] eligible dry cleaning establishment has been doing
85 business [and has maintained its principal office and place of business]
86 at the site for a period of at least one year prior to the submission date
87 or approval date of the application for assistance under this section,
88 [and] (3) the [applicant] eligible dry cleaning establishment is not in

89 arrears with regard to any tax levied by the state or any political
90 subdivision of the state and the dry cleaning surcharge imposed by
91 subsection (b) of this section, and (4) the eligible applicant is not in
92 arrears with regard to any tax levied by the state or any political
93 subdivision of the state. Any funds disbursed as a grant under this
94 section shall not be subject to attachment in the satisfaction of any
95 judgment against the recipient of such grant in any civil action.

96 [(d)] (e) Notwithstanding the terms of any grant made under this
97 section, an eligible applicant shall bear all the costs of such pollution
98 that are less than ten thousand dollars. The Commissioner of Economic
99 and Community Development [shall] may provide a grant of up to
100 three hundred thousand dollars to the eligible applicant where the
101 eligible applicant has provided said commissioner with documentation
102 satisfactory to said commissioner that the services for which payment
103 is sought have been or will be completed. No eligible applicant shall
104 receive more than three hundred thousand dollars [per calendar year]
105 per eligible dry cleaning establishment. There shall be allocated to the
106 Department of Economic and Community Development annually from
107 the account, for administrative costs, an amount equal to five per cent
108 of the maximum balance of the account in the preceding year or one
109 hundred thousand dollars, whichever is greater. In addition the
110 account may be used (1) to provide grants to the Department of
111 Environmental Protection for expenditures made investigating dry
112 cleaning establishments, (2) to provide potable water whenever
113 necessary, and (3) to conduct environmental site assessments.

114 [(e)] (f) Requests for grants shall be made to the Commissioner of
115 Economic and Community Development. Any eligible applicant
116 seeking grants shall provide documentation supporting the need for
117 the grant.

118 [(f)] (g) Any dry cleaning establishment which unlawfully or
119 intentionally discharges or spills any chemical liquids or solid, liquid
120 or gaseous products or hazardous wastes shall not be eligible for
121 grants from the account.

122 [(g)] (h) The Commissioner of Economic and Community
 123 Development shall establish procedures for distribution of the grants
 124 and shall adopt criteria to carry out the provisions of this section. Such
 125 criteria shall specify (1) who may apply for grants; (2) how
 126 establishments, whether owned or leased, will be determined to be
 127 eligible for grants; and (3) the costs for which a grant may be made.

128 [(h)] (i) On or after February 1, [2000] 2007, and annually thereafter,
 129 the Commissioner of Economic and Community Development shall
 130 submit a report, in accordance with section [11-4a] 32-1m of the 2006
 131 supplement to the general statutes, to the joint standing committee of
 132 the General Assembly having cognizance of matters relating to the
 133 environment regarding the account and grant program established
 134 under this section. Such report shall include information as to the
 135 number of applications received, and the number and amounts of
 136 grants made, since the inception of the program, the names of the
 137 applicants, the time period between submission of application and the
 138 decision to grant or deny the loan, which applications were approved
 139 and which applications were denied and the reasons for denial. Such
 140 report shall further include a recommendation as to whether the
 141 surcharge and the grant program established under this section should
 142 continue.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2006	12-263m
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Statement of Legislative Commissioners:

In subsections (e) and (f) of section 1, the word "eligible" was inserted prior to "applicant" for purposes of consistency.

ENV Joint Favorable Subst.